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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,949	10/20/2000	Olivier K. Swedor	61473/0270144	6427

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EXAMINER	
EDELMAN, BRADLEY E	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/692,949	SWEDOR ET AL.	
	Examiner	Art Unit	
	Bradley Edelman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to Applicant's amendments and comments filed on June 28, 2004. Claims 1-50 were rejected in the final Office action. Examiner is not persuaded by Applicant's arguments regarding the claim rejections. However, Examiner has elected to apply newly discovered art to the claims, and thus has elected to re-open prosecution of this case. Thus, the previous final rejection has been withdrawn and a new, non-final Office action is hereby issued. An explanation of the claim rejections and a response to Applicant's arguments follows.

Response to Amendment

1. The amendments filed on June 28, 2004 are sufficient to overcome the 35 USC 112 second paragraph rejections given in the previous final rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 9-20, 25-37, 39, 41-43, 45, and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (U.S. Patent No. 6,546,419, hereinafter "Humpleman"), in view of Duffy ("HP Intros Mgmt. Apps for

Router Nets, from Network World, 1994), and further as supported by Weschler, Jr. (U.S. Patent No. 6,757,720, hereinafter "Weschler").

In considering claims 1 and 17, Humpleman discloses a network device and a method for causing a network device ("device B") to locally perform a service, comprising:

Means for receiving at the network device a document written in accordance with a markup language ("interface document INTERFACE.XML") and a corresponding document definition ("document type definition INTERFACE.DTD") (col. 15, lines 44-52; col. 18, lines 8-11, "the XMLRPC command messages are sent to the controlled device B over the network. Upon receiving said XMLRPC command messages...");

Means for parsing by the network device the received document in accordance with the corresponding document definition (col. 18, lines 11-13, "the controlled application 84 of device B uses the XML parser 74 of device B to parse and interpret the received XML command messages");

Means for executing the service on the network device in accordance with the parsed document (col. 18, lines 14-17, "device B then decodes the parser results... to perform requested services").

However, Humpleman does not disclose that the service is a data forwarding service or that the device is a data forwarding device or that the document describes a data forwarding service, such that the document causes data forwarding services to be performed. Nonetheless, the primary focus of Applicant's invention is not the type of services being controlled, but instead is

the particular method used to control those services, as evidenced by the detailed claim limitations described above, and by Applicant's specification and drawings. Humpleman teaches this control method, but does so for client/server devices on a home network.

Still, it is well known to remotely control and manage not only home devices on a home network, but also routing devices on a routing network, as evidenced by Duffy. Duffy discloses that as far back as 1994, network applications were able to control and manage forwarding services on routers over a network ("from this PC, users can assign addresses, check for duplicate addresses and errors, use point-and-click commands to 'connect' routers... and validate configuration parameters for all routers," ¶ 3; "configuration files stored in a central file server and manually uploaded to the server and management station, and downloaded to AdvanceStack routers," ¶ 4). Furthermore, it is well known to control and manage such devices using XML, as evidenced by Weschler (col. 9, line 67 – col. 10, line 3, "Routers, switches, network ports, and other network devices recognize XML formatted documents embedded in HTTP data transport packets and are configured to handle them appropriately and reliably").

Given the teaching of Duffy and Weschler of using XML to control network routers, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the particular XML remote management document, definition, and parsing method taught by Humpleman to control network routers using XML, because XML is "well understood, actively

developed, and readily transportable through a variety of communications media," (Weschler, col. 9, lines 63-65) and would thus allow comprehensive management of network routers with few development costs.

In considering claims 2 and 18, Humpleman further discloses the means for executing including means for interfacing with hardware and software on the network device (col. 15, lines 11-15, "in each device 14, applications at the top of the communication stack send and receive communication messages over the network, and communicate with software layers in the device stack that locally control the device hardware or service software for the device").

In considering claims 3 and 19, Humpleman further discloses that the markup language is XML ("XML").

In considering claims 4 and 20, Humpleman further discloses that the corresponding document definition is an XML DTD ("DTD").

In considering claims 9 and 25, Humpleman further discloses that the means for parsing include means for parsing from the document an identifier ("method name") corresponding to the service (col. 18, lines 13-17).

In considering claims 10 and 26, Humpleman further discloses that the means for parsing include means for parsing from the document runtime

parameters corresponding to the service (col. 12, lines 63-65, "the look-up 56 table provides run-time translation of XML object method calls from Service B into device native language calls for Service A").

In considering claims 11 and 27, Humpleman further discloses means for instantiating an object corresponding to the service in accordance with the parsed identifier (col. 18, lines 19-21, "launch the native function implementations of device B").

In considering claims 12 and 28, Humpleman further discloses means for instantiating an object corresponding to the service in accordance with the parsed identifier and the parsed runtime parameters (col. 18, lines 19-21, "launch the native function implementations of device B," col. 12, lines 60-65, "run-time translation of XML object method calls").

In considering claims 13 and 29, both Weschler and Duffy further disclose that the network can be one of a multitude of devices, including a router.

In considering claims 14 and 30, both Weschler and Duffy further disclose that the network device comprises a packet forwarding architecture (i.e. a router).

In considering claims 15 and 31, Humpleman further discloses means for preparing a response corresponding to the executed service (col. 18, lines 21-24, "responses").

In considering claim 16 and 32, Humpleman further discloses means for forwarding the response to a remote requestor of the service (col. 18, lines 23-24, "responses [are] sent to the controller device A").

In considering claim 33, Humpleman discloses a network device ("device B") for locally performing a service in accordance with a received document written in a document markup language ("interface document INTERFACE.XML"), comprising:

Means for receiving at the network device a document written in accordance with a markup language ("interface document INTERFACE.XML") and a corresponding document definition ("document type definition INTERFACE.DTD") (col. 15, lines 44-52; col. 18, lines 8-11, "the XMLRPC command messages are sent to the controlled device B over the network. Upon receiving said XMLRPC command messages...");

A parser that is adapted to parse the received document in accordance with the corresponding document definition to obtain an identifier of the service (col. 18, lines 11-16, "the controlled application 84 of device B uses the XML parser 74 of device B to parse and interpret the received XML command messages," wherein the identifier is the "method name"); and

A service launcher that is adapted to launch the service corresponding to the identifier parsed from the received document (col. 18, lines 17-21, "device B then uses the XML... to access and launch the native function implementation of device B...").

However, Humpleman does not disclose that the service is a data forwarding service or that the device is a data forwarding device or that the document describes a data forwarding service, such that the document causes data forwarding services to be performed. Nonetheless, the primary focus of Applicant's invention is not the type of services being controlled, but instead is the particular method used to control those services, as evidenced by the detailed claim limitations described above, and by Applicant's specification and drawings. Humpleman teaches this control method, but does so for client/server devices on a home network.

Still, it is well known to remotely control and manage not only home devices on a home network, but also routing devices on a routing network, as evidenced by Duffy. Duffy discloses that as far back as 1994, network applications were able to control and manage forwarding services on routers over a network ("from this PC, users can assign addresses, check for duplicate addresses and errors, use point-and-click commands to 'connect' routers... and validate configuration parameters for all routers," ¶ 3; "configuration files stored in a central file server and manually uploaded to the server and management station, and downloaded to AdvanceStack routers," ¶ 4). Furthermore, it is well known to control and manage such devices using XML, as evidenced by

Weschler (col. 9, line 67 – col. 10, line 3, "Routers, switches, network ports, and other network devices recognize XML formatted documents embedded in HTTP data transport packets and are configured to handle them appropriately and reliably").

Given the teaching of Duffy and Weschler of using XML to control network routers, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the particular XML remote management document, definition, and parsing method taught by Humpleman to control network routers using XML, because XML is "well understood, actively developed, and readily transportable through a variety of communications media," (Weschler, col. 9, lines 63-65) and would thus allow comprehensive management of network routers with few development costs.

In considering claim 34, Humpleman further discloses a network data transfer service that is adapted to communicate with remote devices for receiving the document (col. 16, lines 13-16, "a Home Network Device Web server 86 in each of the devices A and B manages communication between the devices over the network").

In considering claim 35, Humpleman further discloses that the network data transfer service comprises an HTTP server ("Web server 86").

In considering claim 36, Humpleman further discloses that the markup language is XML ("XML").

In considering claim 37, Humpleman further discloses that the corresponding document definition is an XML DTD ("DTD").

In considering claim 39, Humpleman further discloses a services storage coupled to the service launcher that stores a plurality of services, the service launcher being further adapted to select the service from the stored plurality of services in accordance with the parsed identifier (col. 18, lines 9-21, wherein the parsing obtains method call information and a method name, which are used to select from the plurality of services – i.e. handlers – to perform the service).

In considering claim 41, Weschler and Duffy both disclose that the device further comprises a packet forwarding switch fabric (i.e. "routers," and "switches").

In considering claim 42, Weschler further discloses that the launched service causes changes in how packets are forwarded through the switch fabric (i.e. assigning addresses and connecting routers causes changes in how packets are forwarded through the switch fabric).

In considering claim 43, Weschler further discloses that the management system can also monitor performance of packet forwarding in the routers (p. 2, ¶ 2, "Traffic Monitor lets network managers analyze traffic patterns on all LAN segments and wide-area links from a single Windows PC or Unix workstation").

In considering claim 45, Humpleman further discloses device APIs for interoperating with the device hardware and software for executing launched services (col. 14, lines 20-25, "API interface").

In considering claim 47, Humpleman further discloses device APIs for interoperating with the device hardware and software for executing launched services (col. 14, lines 20-25, "API interface").

In considering claim 48, Humpleman discloses a method for causing a network device to locally perform a service, comprising the steps of:

Identifying the service to be performed at a remote client computer, and preparing at the remote client computer a document written in a markup language in accordance with a document definition, the document including an identifier of the service (col. 18, lines 3-10, wherein "device A" generates the XML document to send a command message to device B, the document inherently including an identifier of the service – see Example 1, line 45, wherein "DVCR1.record" identifies the service);

Transmitting the document to the network device (col. 18, lines 8-9);

Identifying at the network device the document definition corresponding to the transmitted document (col. 18, lines 10-16; col. 15, lines 44-52, wherein the DTD file corresponding to the document is also received and identified at the network device);

Parsing by the network device the transmitted document in accordance with the corresponding document definition (col. 18, lines 10-16, "parse and interpret the received XML command messages"); and

Executing the service on the network device in accordance with the parsed document (col. 18, lines 12-17, "perform requested services").

However, Humpleman does not disclose that the service is a data forwarding service or that the device is a data forwarding device or that the document describes a data forwarding service, such that the document causes data forwarding services to be performed. Nonetheless, the primary focus of Applicant's invention is not the type of services being controlled, but instead is the particular method used to control those services, as evidenced by the detailed claim limitations described above, and by Applicant's specification and drawings. Humpleman teaches this control method, but does so for client/server devices on a home network.

Still, it is well known to remotely control and manage not only home devices on a home network, but also routing devices on a routing network, as evidenced by Duffy. Duffy discloses that as far back as 1994, network applications were able to control and manage forwarding services on routers over a network ("from this PC, users can assign addresses, check for duplicate

addresses and errors, use point-and-click commands to 'connect' routers... and validate configuration parameters for all routers," ¶ 3; "configuration files stored in a central file server and manually uploaded to the server and management station, and downloaded to AdvanceStack routers," ¶ 4). Furthermore, it is well known to control and manage such devices using XML, as evidenced by Weschler (col. 9, line 67 – col. 10, line 3, "Routers, switches, network ports, and other network devices recognize XML formatted documents embedded in HTTP data transport packets and are configured to handle them appropriately and reliably").

Given the teaching of Duffy and Weschler of using XML to control network routers, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the particular XML remote management document, definition, and parsing method taught by Humpleman to control network routers using XML, because XML is "well understood, actively developed, and readily transportable through a variety of communications media," (Weschler, col. 9, lines 63-65) and would thus allow comprehensive management of network routers with few development costs.

In considering claim 49, Humpleman further discloses that the markup language is XML ("XML").

In considering claim 50, Humpleman further discloses that the corresponding document definition is an XML DTD ("DTD").

3. Claims 5-8, 21-24, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman, in view of Weschler and Duffy, and further in view of Gessner (U.S. Patent Publication No. 2002/0032709, filed on Sep. 29, 1998).

In considering claims 5, 7, 21, and 23, these claims all recite retrieving the corresponding document definition from a plurality of document definitions in accordance with an identifier in the received document. Humpleman teaches a document definition corresponding to a document, but remains silent regarding how the document definition is selected or retrieved. Nonetheless, selection at run time of document definitions that correspond to a selected markup language document is well known, as evidenced by Gessner. Gessner discloses a system that uses DTDs and their corresponding documents, wherein the DTDs "may be locally stored [or] may be stored remotely on server systems and delivered at and during run time of a browser, etc. to facilitate dynamic replacement of particular grammars and to further facilitate the rendering of content based thereon." See ¶ [0041]. Thus, a person having ordinary skill in the art would have readily recognized the desirability and advantages of selecting the corresponding DTDs in the system taught by Humpleman, Weschler, and Duffy according to the id contained in the documents, to facilitate dynamic creation of the XML file, thereby further enhancing the dynamic nature of the control and command system taught by Humpleman, Weschler, and Duffy (see Humpleman, col. 2, lines 39-41). Therefore, it would have been obvious to use the dynamic

DTD selection taught by Gessner in the dynamic control and command system taught by Humpleman, Weschler, and Duffy.

In considering claims 6, 8, 22, and 24, Gessner further discloses that the document definitions are provided locally ([0041], "DTD components may be locally stored").

In considering claim 38, claim 38 contains the same limitations as claims 5, 7, 21, and 23, but adds the feature that the device further comprises a document definition storage that stores the plurality of definitions from which selection is made. This storage feature is further taught by Gessner in ¶ [0041], which recites "DTD components may be locally stored."

4. Claims 40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman, Weschler, and Duffy, in view of Applicant's admission of the prior art, or alternatively in view of Jaeger et al. (Dynamic Classification in Silicon-based Forwarding Engine Environments, December 1999, hereinafter "Jaeger").

In considering claim 40, Humpleman teaches that the service launcher is adapted to launch the service using a runtime environment (col. 18, lines 10-21 describe that the service launcher generates native function implementations from the XML document, and col. 12, lines 55-65 describe that such translation occurs at run-time). However, Humpleman does not disclose the use of the

"Oplet Runtime Environment." Nonetheless, the Oplet Runtime Environment is a well-known environment in the router environment, as evidenced by both Applicant's admission of prior art (see specification, p. 9, lines 8-16), and by Jaeger (Abstract). A person having ordinary skill in the art would have readily recognized the desirability and advantages of using the ORE to manage the routers in the system taught by Humpleman, Weschler, and Duffy because ORE "supports the creation of services in Java that are extensible, portable, and easily distributed over the network," (see Jaeger, Conclusion, p. 109). Thus, it would have been obvious to use the Oplet Runtime Environment as the runtime environment in the system taught by Humpleman, Weschler, and Duffy.

In considering claim 46, Humpleman further discloses device APIs for interoperating with the device hardware and software for executing launched services (col. 14, lines 20-25, "API interface").

5. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman, Weschler, and Duffy, in view of Dobbins et al. (U.S. Patent No. 5,951,649, hereinafter "Dobbins").

In considering claim 44, although the system taught by Humpleman, Weschler, and Duffy discloses substantial features of the claimed invention, it fails to disclose that launched service accesses a MIB on the network device. Nonetheless, Duffy discloses changing router configuration by altering 'connections' between routers. Furthermore, as shown by Dobbins, it is well

known that one way to represent connections between routers and other forwarding functions is through a MIB (col. 6, lines 41-55). Thus, given this knowledge, it would have been obvious to alter the router connections in the system taught by Humpleman, Weschler, and Duffy by altering a MIB, because a MIB structure can be easily changed and understood by an administrator (see Dobbins, col. 6, lines 52-55).

Response to Arguments

6. Applicant's arguments filed on June 28, 2004 have been fully considered, but are moot in view of the new grounds for rejection.

Nonetheless, Examiner would like to respond to Applicant's argument that Humpleman discloses an XML network management system that applies only on home networks and is not meant to be applied to networks in general, or to routing networks, as claimed by Applicant (see p. 12 of Applicant's response). The following points address this argument.

a. Applicant's primary invention is remote control of network devices using XML, and not specific control of forwarding functionality of forwarding devices.

The focus of Applicant's invention, as claimed, and as discussed in the specification is a method of providing remote control of services on a network device by using a document (preferably an XML document) that includes a document definition (preferably a document type definition) that is used to parse

the document so it can be used to control the device. The specification does mention that the method can be used to control data forwarding devices on a network. However, the specification is quick to note, "although the features and advantages of the present invention are particularly well suited to routers, switches and hubs, and will be described in more detail below with reference to such devices, other network-aware devices can be adapted for use in the present invention...."

The specification nowhere mentions that the specific methods of using XML documents, DTDs, and parsing processes can be used only for data forwarding services. Instead, it suggests that the remote access and control system can be used for any remote "service" on the network. For instance, the "Title," "Field of the Invention," "Background of the Invention," and "Summary of the Invention" portions of the specification all fail to mention anything about "forwarding" or "routers," etc., and instead use more general terms such as "network elements" and "services." In addition, the drawings also fail to show any actual forwarding services, and instead focus on the XML details of the invention remote access and control system. Thus, although Applicant discloses that one preferred use of the XML remote control system is for forwarding devices and services, the specification does not treat the services themselves as crucial to the implementation of the remote control process.

b. Humpleman describes in depth the same XML control system for controlling network services as described by Applicant.

Humpleman discloses a network that includes a client device that can control "services" run on a server device (col. 5, lines 1-4). Columns 13-16 of Humpleman give a detailed description of how XML documents can be sent and parsed according to DTDs in order to control network devices and services remotely. This description, as discussed in the claim rejections above, matches up identically with the bulk of Applicant's claimed subject matter. Applicant does not dispute this, but instead argues that Humpleman's system is for a home network and not for "forwarding services" as claimed. Examiner agrees that the fields of use for the two XML remote control systems are different (i.e. Humpleman's client/server system vs. Applicant's client/forwarding device system).

However, the XML remote-control aspects of the two systems are not different. Both systems use XML documents, definitions, and parsing to control network devices and services remotely. Thus, the use of these XML functions to control network devices as described in the claims is well known, as evidenced by Humpleman. Using XML to control such devices is beneficial because the XML language is a common standard used by various systems on the Internet. See Humpleman, col. 11, lines 40-42, "message composition can be defined by the XML standard syntax," col. 12, lines 11-24, "preferably, the API extensions utilize a standard format, such as an SML-based interface, to provide overall interoperability". See also, U.S. Patent No. 6,757,720 to Weschler, Jr., col. 9, line 63 – col. 10, line 3, stating:

> "XML documents are a useful format because the language is well understood, actively developed, and readily transportable through a variety of communications media using commonly available HTTP transport mechanisms. Routers, switches, network ports, and other network devices recognize XML formatted documents embedded in HTTP data transport packets and are configured to handle them appropriately and reliably."

c. It would have been obvious to a person of ordinary skill in the art to use the XML remote control steps taught by Humpleman to control devices other than home devices, such as the routers taught by Weschler and Duffy.

The discussion above demonstrates that it is well known to control network devices using the XML document and document definition method claimed, and it is well known to control network forwarding devices using XML. Thus, for the reasons given in the claim rejections above, it would have been obvious to use the XML system taught by Humpleman to control the forwarding services taught in the systems of Weschler and Duffy.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BE
August 3, 2004

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
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